

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN MCSWAIN,

Plaintiff,

v.

Case Number 21-13015

Honorable David M. Lawson

Magistrate Judge Elizabeth A. Stafford

FLORECK, WILLIAM POLAND,
and WRIGHT,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE, AND DENYING
AS MOOT DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on September 28, 2022 by Magistrate Elizabeth A. Stafford pursuant to 28 U.S.C. § 636(b). The report recommends that the Court dismiss the plaintiff's complaint for failure to prosecute and deny the defendants' motions for summary judgment as moot. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 33) is **ADOPTED**.

It is further **ORDERED** that the complaint (ECF No. 1) is **DISMISSED** for failure to prosecute.

It is further **ORDERED** that the defendants' motions for summary judgment (ECF Nos. 16, 31) are **DENIED AS MOOT**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 19, 2022